UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,247	12/27/2001	Christopher G. Ramsayer	7000-084	5600

27820   7590   08/25/2005

WITHROW & TERRANOVA, P.L.L.C.
P.O. BOX 1287
CARY, NC 27512

EXAMINER
CHUNG, JI YONG DAVID

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *6/24/2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Remarks

1.   Applicant's arguments and amendments filed on June 24, 2005 have been carefully

considered but they are not deemed fully persuasive. The discussion of Applicant's arguments

follows. Below, under each of Applicant's argument that is italicized, an Office response is

given.

The Patent Office does not provide any analysis in its examination of claim 9 for why

Gud would be combined with Kimchi.

       The Patent Office has not explicitly restated the motivation for claim 9, because the

motivational statement for claim 9 is as same that for claim 4.

Rather in its analysis of claim 4, the Patent Office asserts that the motivation to combine

Gud and Kimchi 'is that Kimchi system's ability to combine (via software) physical devices gives

the combination a communication ability that is not afforded by individual devices alone. For

example, a video input device and phone allows one to use a virtual videophone. " This asserted

motivation lacks the requisite evidentiary support required by the Federal Circuit.

       Examiner disagrees.

       It is not entirely clear, whether Applicant means that whether (1) there is no evidentiary

support that Kimchi system's does not have an ability to combine physical devices into a virtual

device to give the virtual device added capabilities or (2) whether such capability do not provide

the proper motivation to improve on Gud.

To the first possible argument that there is not evidentiary support for Kimchi system's ability to combine physical devices, Examiner directs Applicant to lines 14-16, paragraph 0072, which states in relevant part, "Thus, video capability is added to the virtual VoIP phone, essentially allowing it to become a virtual VoIP videophone."

To the second possible argument, Applicant is directed to lines 15-18 in paragraph 0075, which states "One advantage provided is the ability for a 'virtual laptop' to be built from the basic input/output components, which is capable of being smaller in size and having lower power requirements than currently capable." In other words, Kimchi system allows one to build a device whose "communication ability that is not afforded by individual devices alone."

Perhaps the question is whether such advantages is applicable to Gudjonsson's invention. From looking at Gudjonsson's disclosure, it is clear that they are combinable. The requirement is the modification of iPulse client, shown in Fig. 11, such that each has ability to function as Kimchi terminal server, while preserving the original function of iPulse client. Note that Gudjonsson uses SIP protocol, which Kimchi also employs.

While the Patent Office proposes an example to support the motivation, the example is not actual evidence.

Examiner disagrees that the example has been stated to support the motivation. Rather, it has been stated to explain the motivation. Examiner also disagrees that it it is not evidence, because the statement is merely a restatement of a portion of Kimchi's disclosure, see lines 14-16, paragraph 0072.

Kimchi paragraph 0042 talks about a single transport address for a terminal device.

Each terminal device has its own address. Multiple terminal devices are registered and then

assembled into the virtual device, which has all the addresses. There is nothing in the passage

that indicates that the terminal server has a single address.

Examiner disagrees. The multiple terminals are indeed registered and assembled into the

virtual device. However, all of the devices are, as a group, associated with a single address. See

lines 12-18, in paragraph 0071, which states:

> Terminal server 400 then implements the virtual phone by creating *a H.323/SIP endpoint*
> *associated with the group of devices and performs the registration functions associated*
> *with H.323/SIP in order to register the alias address/SIP URL of the associated endpoint,*
> *allowing the individual devices to act as a virtual phone* [italics added]

The single address is the alias address/SIP URL mentioned above, and it is associated with a

single end point.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   **Claims 1-8, 10-21, 23-34, 36-39** are ejected under 35 U.S.C. 103(a) as being

unpatentable over Gud in view of Kimchi et al (Kimchi hereinafter).

With regard to **claim 1**, Gud shows a system comprising:

a) an interface facilitating communications [An interface is inherent in servers connected to a network, as shown in Fig. 11]; and

b) a control system associated with the interface and adapted to [Routing service (see lines 27-54, column 22), stream connector, and locator (see from lines 61, column 19 to line 3, column 20) are "a control system."];

> *i) register a plurality of devices that are in a user domain and associated with a user, each of the plurality of devices having a media capability* [Users can create (or "register") devices as needed in the profile to use for a conversational endpoint. See from line 61, column 32 to line 13, column 33]; and *ii) for an incoming call intended for the user* [For the call, see "message" in lines 27-54, column 22];

>> *A) receive a session message on behalf of the user initiating the incoming call and identifying a first requested media capability to facilitate a media session for the incoming call* [See lines 35-39, column 22 for Routing service of the recipient. See lines 13-31, column 23, for the description of the routing logic. Finally, see from line 56, column 24 to line 5 column 25 for how routing logic operates for "identifying a first requested media capability". RS's INVITATION ("incoming call") is routed to the second client, which can either refuse or accept];

> *B) select a first of the plurality of devices based on the first requested*
>
> *media capability* [The device is selected when the second client accepts
>
> the invitation. See from line 47, column 24 to line 5, column 25.]; and
>
> *C) communicate with the first of the plurality of devices to establish the*
>
> *media session having the first requested media capability for the incoming*
>
> *call* [See lines 35 to 42, column 25 for the description of the creation of
>
> session]; and

Gud does not show, but Kimchi shows

> *iii) represent each of the plurality of devices in the user domain as a single device*
>
> *having a plurality of media capabilities to devices outside of the user domain.*
>
> Kimchi shows the feature in paragraph 0044. The terminal server acts as a
>
> "proxy" for the virtual device comprising individual physical devices.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use virtual device of Kimchi to replace Gud's device handlers and related dependencies. The motivation for the using Kimchi's concept of managing physical devices in Gud's system is that Kimchi system's ability to combine (via software) physical devices gives the combination a communication ability that is not afforded by individual devices alone. For example, a video input device and phone allows one to use a virtual videophone.

With regard to **claim 2**, Gud shows that the control system is further adapted to:

a) determine that a second requested second media session having a second requested media capability has been requested for the incoming call [See from line 56, column 24 to line 5, column 25. After sending the messages to the second user's mobile phone, RS decides to send a message to the user's online client, which would start the second media session by the acceptance of the invitation];

b) select a second of the plurality of devices based on the second requested media capability [RS would have many destination points. The ones (e.g., PC client) that are capable of accepting the invitation are determined by the routing logic. See from line 56, column 24 to line 5, column 25]; and

c) communicate with the second of the plurality of devices to establish the second media session having the second requested media capability for the incoming call [Actual transmission of data takes place. See from line 56, column 24 to line 5, column 25 for description of session].

With reference to **claim 3**, Gud shows *that the session message initiating the incoming call identifies the second media session and the second requested media capability* [See line 56, column 24 to line 5, column 25] *and the control system is further adapted to determine that the second media session having the second requested media capability has been requested for the incoming call based on the session message* [The routing logic determines the destination partly based on message types ("session message"). See Table 3 in columns 23-24. See lines 51-57, column 23].

With reference to **claim 4**, Gud shows *that the session message initiating the incoming* *call identifies the second media session and the second requested media capability* [See from line 56, column 24 to line 5, column 25.] and *the control system is further adapted to receive a session message initiating the second media session* from the second of the plurality of media devices *to determine that the second media session having the second requested media capability has been requested for the incoming call* [RS receives INVITE message and runs the routing logic to determine if INVITE message should be sent to second user's online client and sends it to determine if a session can be established].

Gud does not show that the second of the plurality of media devices has initiated the second session.

Kimchi shows that a session that was started by Kimchi's virtual device (comprising more than one physical device) would include a second device to start the corresponding session between the physical devices of the communication endpoints by using proper protocol supported by each device. For example, see near the end of paragraph 0072, where multiple physical devices are used to form a virtual VoIP videophone. Also, Kimchi shows, in paragraph 0042, that a virtual device comprises many physical devices.

With reference to **claim 5,** Gud shows that *the control system is further adapted to receive a second session message associated with the incoming call and identifying the second media session to determine that the second media session having the second requested media capability has been requested for the incoming call.* See line 56, column 24 to line 5, column 25. Routing logic causes RS to forward the INVITE message to the user's online client (after

forwarding INVITE message as an SMS message to the second user's mobile phone. Acceptance or decline of the invitation determines the end device capability and allows the transmitting user to accept the second media session message. Upon acceptance, a new session would be open. (The first session would be made to the second user's mobile phone upon acceptance of the INVITE (first session message)).

With reference to **claim 6**, Gud shows that the control system is further adapted to:

a) *receive a session message initiating the outgoing call from one of the plurality of devices* [See lines 47-50, column 24. RS receives INVITE messages from the user's client]; and

b) *send a message corresponding to the session message to establish the media session for the outgoing call on behalf the user* [See lines 52-55, column 24. RS of the first user sends a message to the RS of the second user].

With reference to **claim 7**, Gud does not shows that the control system is further adapted to:

a) *determine that a second media session having a second requested media capability has been requested for the outgoing call*; and

b) *communicate with a second of the plurality of devices to establish the second media session having the second requested media capability for the outgoing call.*

Kimchi's invention, however, bundles many physical devices in one. See its Abstract. Any session of the virtual device for the outgoing call would require determining and selecting the second physical member of the virtual device and using it to open a communication session.

With reference to **claim 8**, Gud does not *show that the control system is further adapted to select the second of the plurality of devices based on the second requested media capability.*

Kimchi shows virtual devices. See the Abstract. Selection of a virtual device, in the proposed combination, based on a Gud's routing logic would select the second device based on message type and the virtual device's ability to handle the message type.

With reference to **claim 10**, Gud does not show that *the control system is further adapted to provide a single address for each of the plurality of devices in the user domain.*

Kimchi shows the feature in paragraph 0044. The terminal server acts as a "proxy" for the virtual device comprising individual physical devices.

With reference to **claim 11**, Gud shows that the control system is further adapted to:

a) provide a profile defining at least one combination of the plurality of devices to select for a call based on combinations of media capabilities requested for the call [See definition of profile on lines 28-31, column 7. See lines 12-31, column 23 for the description of how routing logic uses profile (as identification of endpoints). The profile allows the routing logic to select devices based on "capability."]; and

b) select the at least one combination of devices for the call [Routing logic selects devise partially based on the user profile upon RS receiving a message].

With reference to **claim 12**, Gud shows all of its limitation, except for "at least other

device." Gud does not show the claimed feature.

Kimchi, however, shows the claimed feature. More specifically, Kimchi shows a

terminal device, which is comprised of multiple physical devices (See the Abstract). If a

physical device (in the proposed combination of Kimchi and Gud) that is part of the terminal

device (comprised of multiple physical devices) is selected by Routing Service, other physical

devices that comprise the terminal device would be selected as well.

The control system of claim 12 is deemed to include the device handler (as modified by

the combination of Kimchi and Gud), which aggregates the multiple devices as a single terminal

device.

With reference to **claim 13**, Gud does not directly show the claimed features.

However, it would have been obvious to one of ordinary skill in the art at the time of the

invention to meet the limitations, for the reasons below.

Gud shows that in lines 21-42, column 25 that chat sessions maybe directed by RS.

A chat session is held via chat clients generally running on PC's or workstations.

Furthermore, a chat client user may send and receive sequence of chat invitations.

However, many such sequence of reception and transmission of invitations are obvious as

the only possible sequences of sessions. For example, a user that has received a chat invitation

may or may not send another invitation with the third party. As the only two possible outcomes,

both events are obvious.

Gud's invention, as applied to the specific and obvious event of having a second user that

has received a chat invitation from the first user and then sends a chat request to the third user

(via the second user's RS and routing logic) meets the limitations. In such case, each of claim

13's limitation is met by the specific sequence of chat invitations and sessions, as discussed

below:

*a) determine that a second media session having a second requested media capability has

been requested for the incoming call* [Upon sending an INVITE message via its RS to the third

user who accepts the chat invitation, the second user would receive an ACCEPT message, which

would cause the second user's routing logic to seek another client of the second user as the

output device];

*b) select the first of the plurality of devices based on the second requested media

capability* [the routing logic would select the PC (which is the first device of the second user];

*c) communicate with the first of the plurality of devices to establish the second media

session having the second requested media capability for the incoming call*. RS would open up

the second session, between the second and the third user. The second user's PC, which is the

"first of the plurality of devices" that belong to the second user and is in communication session

with the first user, is selected.

Claims 14-21, 23-34, 36-39 incorporate all the limitations of claims 1-8 and 9-13, but in

computer product form and in method form, rather than in apparatus form. The reasons for the

rejections of claims 1-8 and 9-13 apply to claims 14-21, 22-34, and 36-39.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing
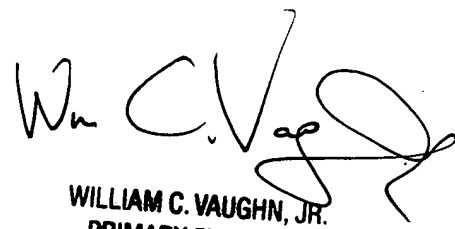
date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ji-Yong D. Chung whose telephone number is (571) 272-7988.

The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ji-Yong D. Chung
Patent Examiner
Art Unit: 2143

WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER